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10/730,930	12/10/2003	Hideki Tsutsui	245454US-2RD	7109
22850	7590	04/29/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PARRA, OMAR S	
			ART UNIT 2421	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/730,930	Applicant(s) TSUTSUI ET AL.	
	Examiner OMAR PARRA	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 11, 12, 14 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11, 12, 14 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/29/2009 have been fully considered but they are not persuasive.

In response to applicant's arguments:

The applicant argues that "*Logan does not disclose or suggest synchronizing video data and its metadata, and instead Logan merely discloses synchronizing two different versions of the same content. Logan specifically discloses utilizing pattern-matching techniques so that different pieces of content stored at a storage 103 and a storage 143 will be compared*", Remarks, page 7. To this matter, the examiner respectfully disagrees.

Logan teaches a system where metadata is created at a server or at a user's premise (at least :Abstract; [0047]; [0076]). This created metadata is shared among different users (Abstract; [0087]). Logan also teaches that the metadata includes 'signatures' or 'signals patterns' (at least: [0078]; [0082]) that are compared to a video content for synchronization. Logan explicitly teaches that the video recorded at storage 103 or at storage 143 can be compared to a specific fingerprint signature. Logan does not teach comparing two video contents, as indicated by the applicant, but comparing content stored remotely or content stored at the user device with the metadata 'fingerprint signatures' or 'signal patterns' in order to synchronize the video to their associated metadata ([0082]; [0083]).

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The applicant further argues that *“in Logan, the signal pattern or fingerprint exists only in the content, and such a noted signal pattern or fingerprint is not extracted or derived from metadata”*, Remarks, first paragraph on page 8. To this matter, the examiner respectfully disagrees.

As stated above, the ‘fingerprint signature’ or ‘signal pattern’ is included in the metadata to describe or identify the characteristics of the video stream ([0078]; [0082]-[0083]).

With respect to claim 7, the applicant argues *“...neither Nakano nor Logan disclose or suggest incrementing a value associated with a metadata creator each time specific metadata is exchanged”*, page 8. To this matter, the examiner respectfully disagrees.

Nakano teaches that in order to avoid storing divergently the metadata created by users, every time a client requests for metadata content, a counter is increased, and if the counter surpasses a threshold value, then the metadata tag is stored ([0166]; [0167]). This counter is respectfully believed to be associated (related, linked, connected, etc, as defined on Dictionary.com Unabridged Based on the Random House Dictionary, © Random House, Inc. 2009). The counter is related to the metadata creator, because it will determine if the metadata creator’s tag is stored at the database. This counter is related to the metadata creator’s and is incremented each time any user requests and uses the metadata. There is no language in the claim defining the type of association the value has with the metadata creator or what the value is. The claim as recited calls only for a value associated (related in any way) to the metadata creator’s.

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Therefore, the examiner respectfully believes that the art of record still covers applicant's invention as claimed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-4, 6-9, 11, 14 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (hereinafter 'Nakano', Pub. No. 2003/0070173, of record) in view of Logan et al. (hereinafter 'Logan', Pub. No. 2008/0092168, of record).

Regarding claim 4, 6 and 20, Nakano teaches a media data audio-visual device for viewing media data (**Video recorder 11, Fig. 2, connected to a display device, which displays media data as shown in Figs. 1 or input/output device 51, Fig. 13**), comprising:

an audio-visual portion configured to display the media data (**Video recorder 11, Fig. 2, connected to a display device, which displays media data as shown in Figs. 1 or input/output device 51, Fig. 13**);

a metadata storing portion configured to store metadata corresponding to the media data (**Database 26, Fig. 3; [0041]-[0042], [0046]-[0049]**);

a communication portion configured to transmit the metadata externally and receive external metadata to be stored in the metadata storing portion

(Communications Interface 44, Fig. 13; [0042]; [0175]);

a display portion configured to display a time relationship between selected media data and selected metadata based on time data embedded in the media data and in the metadata **(When an image is sent or transmitted to the client, the database with the metadata is referenced to present the metadata with the content, [0036] lines 18-22; and given that the metadata contains time of presentation, etc, [0036] lines 1-17, both are related in time and are displayed to the user).**

On the other hand, Nakano does not explicitly teach a synchronizing portion configured to extract a feature amount that is stored in the metadata, to search for another feature amount corresponding to the extracted feature amount in associated media data and associated with the metadata, and to synchronize the metadata with the associated media data to correct any time differences between the metadata and the media data caused by inaccurate time data in the metadata.

However, in an analogous art, Logan teaches a set-top box ([0019]-[0023]) that receives metadata for video content that includes not only information about displaying time of the content, but other feature amount information ([0077]-[0084]) that will help to synchronize video data with its respective metadata to solve a time shift or time difference problem ([0083]). Logan also teaches that the metadata includes 'signatures' or 'signals patterns'

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(at least: [0078]; [0082]) that are compared to a video content for synchronization.

Therefore, it would have been obvious at the time of the invention to have modified Nakano's invention with Logan's feature of including feature amount information or characteristic information for the benefit of making sure that a given frame or segment is the one that is supposed to be presented along with a given portion of metadata, and in this way, avoiding presentation time mismatching due to missing frames, transmission delays and/or erroneous device's local clock time (Logan: [0077]).

Regarding claims 2 and 9, Nakano and Logan teach a media data audio-visual device, further comprising a metadata creating portion configured to enable a user to create metadata (**Database Generating Unit 25, Fig. 3, [0036], [0041], [0048]-[0049]**).

Regarding claim 3, Nakano and Logan teach a media data audio-visual device wherein the metadata creating portion includes a disclosure selection tool configured to enable a user to designate whether created metadata is to be disclosed externally (**Changes made by the user are assigned a 1 if the changes are meant to be local or global –shared with others, [0093]**).

Regarding claims 4, 8, and 11, Nakano and Logan teach a media data audio-visual device further comprising a search condition a inputting portion configured to enable a user to input search conditions for searching the external metadata **(User is able to search for metadata in the server, internet or other clients, [0053]-[0055], [0136]-[0160], [0163], [0175]. The user selects to see or not the results, as for example the URL treated in [0094]-[0095]).**

Regarding claim 7, Nakano teaches a metadata sharing system comprising:

- a plurality of client media data audio-visual devices each configured to display media data and metadata corresponding to the media data **([0175]);** and

- a server configured to exchange data among the plurality of client media data audio-visual devices **(Delivery server 10, Fig. 2; [0048]-[0055])**, wherein each of the plurality of client media data audio-visual devices includes:

 - an audio-visual portion configured to display the media data **(Video recorder 11, Fig. 2, connected to a display device, which displays media data as shown in Figs. 1 or input/output device 51, Fig. 13);**

 - a metadata storing portion configured to store metadata corresponding to the media data **(Database 26, Fig. 3; [0041]-[0042], [0046]-[0049]);**

 - a communication portion configured to transmit the metadata externally and receive external metadata to be stored in the metadata storing portion **(Communications Interface 44, Fig. 13; [0042]; [0175]);**

wherein the server includes a metadata storing portion configured to store the metadata transmitted from the plurality of client media data audio-visual devices **(Database 34, Fig. 4, [0043]-[0045]);**

wherein each of the plurality of client media data audio-visual devices includes a search request inputting portion configured to enable a user to input a search request for searching the metadata stored in the server, and wherein the server includes a metadata searching portion configured to search for the metadata in the metadata storing portion that corresponds to the search request **(User is able to search for metadata in the server, internet or other clients, [0053]-[0055], [0136]-[0160], [0163], [0175]. The user selects to see or not the results, as for example the URL treated in [0094]-[0095]),** and

a display portion configured to display a time relationship between the media data and the received metadata based on time data included in the received metadata and in the media data **(When an image is sent or transmitted to the client, the database with the metadata is referenced to present the metadata with the content, [0036] lines 18-22; and given that the metadata contains time of presentation, etc, [0036] lines 1-17, both are related in time and are displayed to the user),**

incrementing a value associated with the metadata creator each time the specific metadata is exchanged among the plurality of client media data audio-visual devices **(Every time a client requests for metadata content, a counter is increased, and if the count surpasses a threshold value, a request for**

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changing the metadata database at the server from a client is registered, [0166]-[0167].

Although Nakano teaches that the users can create metadata as well as the delivery server, and that the server helps other users to find requested image data and with corresponding metadata stored at another user's equipment, Nakano does not explicitly teach wherein the server includes a metadata creator data storing portion configured to store metadata creator data identifying a creator of specific metadata and wherein the metadata creator data is added to the search request of the search request inputting portion, and wherein the creator of the specific metadata does not correspond to a client media data audio-visual device at which a search request for searching for the specific metadata was input.

However, in an analogous art, Logan teaches a metadata sharing system in which a user creates metadata that can be used to replace or modify the server-produced metadata. Logan also teaches that the user created metadata can be shared to other users. The server stores the creator's information by registering the location where the user-created content resides (resource address; [0087]) and serves as the registry or directory when a given user requests additional content ([0086]-[0100]). In other words, the server stores information about the creator of metadata (its location or how to be contacted. The creator is different from the server or the requesting device) and shows it to the requesting user.

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Nakano's invention with Logan's feature of storing information about the creator and presenting it to a third device when requested for the benefit of saving storage capacity at the server by not having to store all the user-created or modified metadata from all the users.

4. Claim **12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (hereinafter 'Nakano', Pub. No. 2003/0070173, of record) in view of Logan et al. (hereinafter 'Logan', Pub. No. 2008/0092168, of record) as applied to claim 7 above, and further in view of Wilf (Pub. No. 2001/0049826, of record).

Regarding claim 12, Nakano and Logan teach all the limitations of the claim it depends on. Nakano also teaches an interface to search for metadata corresponding to media (**User is able to search for metadata in the server, internet or other clients, [0053]-[0055], [0136]-[0160], [0163], [0175]. The user selects to see or not the results, as for example the URL treated in [0094]-[0095]. For any search, it is inherent that there must be an interface to transmit user's inquiry to the content/metadata source**). On the other hand, Nakano and Logan do not explicitly teach being able to set a recording reservation to record the media data scheduled to be broadcast in the future using search results from the metadata searching portion.

However, in an analogous art, Wilf teaches a system that indexes and performs segmentation on video inputs and lets the user search for content

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through queries. Based on the result, a recording timer can be set for content that will be presented in the future, based on programming listings on the internet (Abstract, [0004], [0014]-[0015], [0038], [0068], [0082]).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Nakano and Logan's invention with Wilf's setting recording timers on program listings matching user's queries for the benefit of letting the user watch the matching content in the case he/she is not at home to watch it.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR PARRA whose telephone number is (571)270-1449. The examiner can normally be reached on 9-6 PM (M-F, every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

OP